

Application No. 10/736,000
Amendment Dated April 28, 2006
Reply to Office Action of December 28, 2005

REMARKS

Claims 1, 3-5 and 7-20 are pending in this application. Claim 2 is withdrawn herein, and Claim 6 was withdrawn via a restriction requirement. Claims 1, 3, 5, 12, 15 and 18 are amended. The undersigned attorney would like to thank Examiner James Dooley for taking the time to discuss the Office Action on April 28, 2006.

In the Office Action, the Examiner objected to the abstract and Claims 1, 2 and 18 as being indefinite based on §112. The above amendments are believed to resolve the Examiner's concerns. Claim 12 is also amended similar to Claims 1 and 18 to resolve any similar concern. The Examiner objected to Claims 2, 5 and 15 under §112 based on the assertion that the hangers are recited as "functional" elements. As discussed, Claim 2 is withdrawn, and Claims 5 and 15 are amended to resolve this concern.

In the Office Action, the Examiner rejected Claims 1-3, 7-8, 10-13 and 16 as being anticipated under §102 by U.S. Patent No. 5,944,203 to Vlah. The Examiner asserts that Vlah discloses a slatwall assembly featuring a continuous rear wall (11), each section having an upper and lower board, each board having a top (14), front (16), "rear" (18) and bottom (17), and having L-shaped slots. The Examiner also rejected Claims 9 and 17-20 as being obvious under §103 base on Vlah alone. As discussed, Claim 6 is also considered rejected based on Vlah alone. Applicant respectfully disagrees with each rejection.

Vlah discloses a merchandising display formed by channeled slatwall 10 with "P-shaped" channels. (Title, Abstract, Figures 1, 4, 6, 7 and 9, Col. 2, lines 3, 6, 40, Col. 4, lines 38 and 57). Each channeled slatwall 10 is preferably formed in a single piece, cold-rolled sheet metal, double channeled configuration. (Col. 4, lines 34-36). The rear wall 11 of the channeled slatwall 10 is clearly not continuous given the break where it bends to form each P-shaped channel as clearly

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shown in Figures 6 and 7. This break in the rear wall is needed to form the P-shaped channels from the single piece of sheet metal. The P-shaped channels are not disclosed or suggested to have a construction similar to a board. The thin leg of each P-shaped channel is formed by abutting flanges 14 and 19. The P-shaped channels form upper and lower troughs 12 and 13 and include an inner wall 15 that gives the slot a "J" shape as shown in Figures 6 and 7. Moreover, the stiffening web 18 of the lip does not form the "rear" of the P-shaped channel. The stiffening web 18 is clearly located forward of the rear wall 11, and is even stated to be parallel to the rear wall. (Col. 4, line 51-53).

Independent Claims 1, 12 and 18, as amended, are clearly patentable over Vlah. Each claim requires slatwall sections with a continuous rear wall having board and spacer segments, and upper and lower boards. The continuous rear wall does not have a break as in Vlah. Moreover, each board has front, rear, top and bottom walls that form a loop around a chamber. The rear wall of each board is required to be formed by a board segment of the continuous rear wall. The top and bottom walls are spaced apart, as are the rear and front walls to form its "board" shaped construction. As discussed on pages 4 and 5 of the application, this construction is structurally strong to help prevent the top wall from deforming under load so that the hangers remain engaged, and help prevent buckling or twisting of the rear wall to give the boards a solid rear base that remains uniformly anchored to a supporting wall or surface. For at least these reasons, independent Claims 1, 12 and 18 are clearly patentable over Vlah. Claims 3, 7-11, 13, 16-17 and 19-20 are also patentable over Vlah as they depend from and include each of the limitations of their respective independent claim.

In the Office Action, the Examiner rejected Claims 4-5 and 14-15 as being obvious under §103 given Vlah in view of U.S. Patent No. 3,045,961 to Cygan. The Examiner asserts that while

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Vlah does not discloses the possibility of making this assembly from high impact polystyrene, Cygan teaches a slatwall assembly constructed from high impact polystyrene, and that the hanger of Cygan would be able to hold 25 lbs 1 foot from the front of the rack. Applicant respectfully disagrees.

Dependent Claims 4-5 include each of the limitations of independent Claim 1, and defendant Claims 14-15 include each of the limitations of independent Claim 12. Yet, the Office Action does not assert that Cygan discloses any of the above differences regarding Vleh. Moreover, the solid signboard 2 and dovetailed groove 9 construction of Cygan bears no resemblance to that of Vleh or the slatwall assembly and extruded slatwall section claimed by the subject application. In Cygan, the solid mass forming the rear wall also forms the front wall. This diverges from the sheet metal construction of Vleh, as well as the claims of the subject application. The signboard 2 of Cygan has no front, rear, top and bottom walls that form a loop around a chamber. In addition, the dovetailed grooves 9 have inclined sides 11 and 12 resembling a pair of opposed “Vs” that allow a “snap-on” engagement with clips 4 and 5. (Col. 1, lines 11-13 and 44-48, Col. 2, lines 45-50 and Col. 3, lines 54-65). The shape of the dovetailed grooves 9 and their interaction with the cooperating snap-on clips 3 and 4 with similar inclined side walls diverges significantly from the J-shaped channels of Vleh, as well as the subject claims. Thus, the combination of Vleh and Cygan would not render the subject claims obvious to one of ordinary skill.

Reconsideration of Claims 1, 3, 5, 12, 15 and 18, as amended, Claims 4, 7-11, 13, 14, 16, 17 and 19-20, and allowance thereof are respectfully requested. The Examiner is requested to contact the undersigned should this assist in moving the application to allowance.

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